

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 24, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Charlene Devine, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 426, 3/10/2017; HB 427, 3/10/2017; SB 360, 3/21/2017

Executive Action: HB 427, Be Concurred In;
HB 348, Be Concurred In As Amended;
HB 94, Motion Withdrawn

00:00:03 Chair Regier

HEARING ON HB 427

Opening Statement by Sponsor:

00:01:26 Rep. Austin Knudsen (R), HD 34, opened the hearing on HB 427, Clarify property owner not liable for firefighter acts.

Proponents' Testimony: None

Opponents' Testimony: None

00:05:43 Al Smith, Montana Trial Lawyers Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:39 Sen. Boland

00:11:40 Rep. Knudsen

Closing by Sponsor:

00:13:12 Rep. Knudsen

00:14:52 Chair Regier

HEARING ON SB 360

Opening Statement by Sponsor:

00:15:23 Sen. Albert Olszewski (R), SD 6, opened the hearing on SB 360, Provide that consent of the victim is not a defense to certain homicide offenses.

Proponents' Testimony:

00:15:46 Bowen Greenwood, Montana Family Foundation (MFF)

[EXHIBIT\(jus61a01\)](#)

00:19:00 Matt Brower, Montana Catholic Conference

Opponents' Testimony:

00:20:28 Leslie Mutchler, self

00:23:26 Mary Anne Guggenheim, physician

[EXHIBIT\(jus61a02\)](#)

00:30:32 Bob Filipovich, self

00:33:41 Matt Mutchler, self

00:36:10 Mark Connell, self

00:36:15 Sen. Sands entered the hearing.

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:09 Sen. Gross
 00:50:32 Sen. Olszewski
 00:51:44 Sen. Gross
 00:53:35 Mr. Connell, self
 00:55:48 Sen. Gross
 00:57:27 Ms. Mutchler, self
 00:57:39 Sen. Hinkle
 00:59:07 Sen. Olszewski
 00:59:15 Sen. Fielder
 01:02:23 Mr. Connell
 01:03:15 Sen. Fielder
 01:03:32 Mr. Greenwood, MFF
 01:04:15 Sen. MacDonald
 01:05:04 Mr. Connell
 01:07:01 Sen. Hinkle
 01:08:09 Mr. Greenwood
 01:09:21 Sen. Vincent
 01:11:09 Sen. Olszewski
 01:13:24 Sen. Vincent
 01:14:05 Chair Regier
 01:14:16 Sen. Olszewski
 01:14:31 Sen. Boland
 01:15:34 Ms. Mutchler
 01:15:41 Chair Regier
 01:18:42 Ms. Guggenheim, self
 01:18:51 Chair Regier
 01:19:04 Mr. Connell
 01:19:12 Sen. Gross
 01:19:31 Mr. Connell

Closing by Sponsor:

01:22:38 Sen. Olszewski

01:23:40 Chair Regier

HEARING ON HB 426

Opening Statement by Sponsor:

01:23:58 Rep. Jean Price (D), HD 24, opened the hearing on HB 426, Include prepaid telephone accounts as protected from expiration.

Proponents' Testimony:

01:28:31 Randall Knowles, self
 01:37:28 Janee Weber, self
 01:43:17 Rudy Stock, self
 01:44:04 Garrett Lankford, Montana Human Rights Network

Opponents' Testimony: None

Informational Testimony:

01:45:12 Gary Duncan, Public Service Commission

Questions from Committee Members and Responses:

01:46:03 Sen. Hinkle
 01:47:07 Rep. Price
 01:47:36 Sen. Hinkle
 01:49:46 Ms. Weber, self
 01:49:56 Sen. Hinkle
 01:50:07 Sen. Sands
 01:51:05 Rep. Price
 01:51:14 Sen. Fielder
 01:56:34 Rep. Price
 01:56:39 Chair Regier
 01:57:38 Rep. Price
 01:57:55 Chair Regier
 01:58:15 Ms. Weber
 01:58:59 Sen. MacDonald
 01:59:32 Sen. Sands
 01:59:49 Rep. Price

Closing by Sponsor:

02:00:20 Rep. Price
 02:00:49 Chair Regier
 02:01:07 Recess
 02:10:44 Reconvene

EXECUTIVE ACTION ON HB 94

02:11:01 **Motion:** Sen. Fielder moved that **HB 94 BE CONCURRED IN.**

Discussion:

02:11:17 Julianne Burkhardt, Legislative Services Division (LSD)

02:11:55 Without objection, Sen. Fielder withdrew the motion that HB 94 BE CONCURRED IN.

02:12:04 Ms. Burkhardt, LSD

02:12:12 **Motion:** Sen. Fielder moved that **HB 94 BE CONCURRED AS AMENDED.**
(Previously passed by committee on 3/23/2017).

[EXHIBIT\(jus61a03\)](#)

Discussion:

02:12:56 Sen. Gross
02:14:34 Sen. Vincent
02:15:00 Ms. Burkhardt
02:15:29 Sen. Swandal
02:15:42 Sen. Vincent
02:16:03 Chair Regier
02:16:32 Sen. Swandal
02:16:45 Sen. Sands
02:17:14 Chair Regier
02:17:22 Sen. Vincent
02:17:30 Chair Regier
02:17:35 Sen. Fielder
02:17:54 Chair Regier
02:17:59 Ms. Burkhardt
02:18:21 Sen. Swandal
02:18:29 Sen. Sands
02:18:48 Ms. Burkhardt
02:19:58 Sen. Fielder
02:20:08 Sen. Swandal
02:20:17 Sen. Fielder
02:20:22 Ms. Burkhardt
02:20:35 Sen. Fielder
02:20:58 Sen. Gross
02:21:17 Sen. MacDonald
02:22:38 Ms. Burkhardt
02:23:29 Sen. Vincent
02:24:22 Chair Regier

02:24:35 Without objection, Sen. Fielder withdrew the motion that HB 94 BE CONCURRED IN AS AMENDED.

02:24:47 Chair Regier

EXECUTIVE ACTION ON HB 348

02:25:07 **Motion:** Sen. Fielder moved that **HB 348 BE CONCURRED IN.**

Discussion:

02:25:22 Julianne Burkhardt, Legislative Services Division (LSD)

02:25:56 **Motion:** Sen. Fielder moved that **HB 348 BE AMENDED.**
EXHIBIT(jus61a04)

Discussion:

02:26:23 Ms. Burkhardt

02:26:59 Sen. Swandal left the hearing.

02:28:45 Sen. Vincent

02:29:32 Sen. Sands

02:30:18 **Vote:** Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Gross, Sen. Hinkle, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales and Sen. Swandal voted by proxy.

02:30:30 **Motion:** Sen. Fielder moved that **HB 348 BE CONCURRED IN AS AMENDED.**

Discussion:

02:33:10 Sen. Hinkle

02:33:17 Ms. Burkhardt

02:34:11 Sen. Hinkle

02:34:23 Sen. MacDonald

02:35:51 Sen. Hinkle

02:36:05 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales and Sen. Swandal voted by proxy. Sen. Webb will carry the bill.

EXECUTIVE ACTION ON HB 427

02:37:41 **Motion/Vote:** Sen. Fielder moved that **HB 427 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Swandal voted by proxy. Sen. Pomnichowski will carry the bill.

02:38:50 Chair Regier

ADJOURNMENT

Adjournment: 11:30 AM

Charlene Devine, Secretary

Additional Documents

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Additional Documents:

EXHIBIT([jus61aad.pdf](#))